

REMARKS

This application has been reviewed in light of the Office Action mailed February 23, 2005; reconsideration of this application in view of the below remarks is respectfully requested. Claims 10-20 are pending in the application with Claims 10, 19 and 20 being in independent form. By the present amendment, Claims 10, 19 and 20 have been amended. No new matter or issues are believed to be introduced by the amendments.

I. Objection to Claim 10 for Informalities

Claim 10 was objected to for lacking antecedent basis. Specifically, “sub-communication means” in line 6, and “cellular transceiver means” in line 11. However it is respectfully submitted that it is unnecessary to include “a” before reciting means language, which may narrow the scope of a “means” claim, as a means claims may include a single or plural apparatus. In addition, Claim 10 as been amended to correct the objection to the term “said sub-communication” in line 18.

II. Rejection of Claims 10 and 19 Under 35 U.S.C. §112, Second Paragraph

Claims 10 and 19 Under 35 U.S.C. §112, Second Paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claims 10 and 19 recite the limitation “a call other than a call used by the cellular telephone set to perform said sub-communication” in lines 17-18 and 7, respectively, and that there is insufficient antecedent basis for this claim, as no mention of a call used to perform said sub-communication is recited earlier.

Claims 10 and 19 have been amended in a manner believed to obviate the objection as provided above to recite specifically that a call is first used to perform sub-communication between the cellular telephone apparatus and its accessory.

III. Rejection of Claims 10-20 Under 35 U.S.C. §103(a)

Claims 10-15 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,349,324 issued to Tokoro (hereinafter "Tokoro") in view of U.S. Patent No. 6,757,301 issued to Tsai (hereinafter "Tsai"), and Claims 16-20 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Tokoro in view of Tsai, and further in view of U.S. Patent No. 5,880,732 issued to Tryding (hereinafter "Tryding"). Independent Claims 10, 19 and 20 have been amended to clarify and specifically recite the differences between the cited references of Tokoro, Tsai and Tryding, and the present invention.

Tokoro teaches that a user can have a television-telephone conversation by using a portable-telephone device 201 in a room where a terminal adapter 202-1 and a television receiver 205-1 are connected to each another, and the user can take the portable telephone device 201 to another room where another terminal adapter 202-2 and another television receiver 205-2 are connected to each other. When moving from the former room to the latter room, the user turns off the television-telephone button 16A to temporarily suspend the television-telephone conversation, continuing a telephone conversation based on audio signals, and in the latter room, the user can resume the television-telephone conversation by again operating the television-telephone button 16A.

Tokoro, on the other hand, never specifically discusses that a second call or channel is originated when the quality of the channel used for the sub-communication between the telephone and accessory has deteriorated. Therefore, Tokoro only teaches reestablishing a connection between a second television located in another room as the connection established previously with a first television in a previous room.

Tokoro is concerned with maintaining the same communication channel with the second user when the first user moves around or goes to another room. However, the present invention is directed to maintaining communication between two users when deterioration in channel quality occurs, regardless of whether the user stays in one room or goes to another room. To that end, the present invention recites that when the channel quality of the sub-communication means has deteriorated to not more than a predetermined level, the cellular telephone starts originating a call, other than the call used by the cellular telephone to perform communication with the accessory, to maintain voice communication.

Additionally, channel quality deterioration can occur when the user moves to another room, however Tokoro does not solve that problem. If the channel of communication deteriorates as the user moves around, the communication link will be lost between the two users. The present invention solves this problem by originating a call on a channel other than a channel used to perform sub-communication between the telephone and its accessory, so that if that channel quality deteriorates, a new channel can be used to keep voice communication.

Tsai discloses a method for switching between a data transfer mode and a voice mode depending the type of signal, i.e. data transfer (fax/modem), voice or silence, detected (see col. 1, lines 63-66). However, Tsai does not disclose or suggest a control means for, when the channel quality of the sub-communication means has deteriorated to not more than a predetermined level, causing the cellular telephone transceiver means to start originating a call, other than a call used by the cellular telephone set to perform sub-communication with the accessory, for voice communication with a remote cellular telephone set, as recited in Claim 10. Therefore Tsai fails

to overcome the deficiencies of Tokora described above.

Additionally, Tryding discloses the use of a remote display monitor for presenting display data from a mobile phone. However, Tryding fails to address, implicitly or explicitly, any procedure for handling poor channel quality, thus, Tryding does not disclose or suggest a control means for, when the channel quality of the sub-communication means has deteriorated to not more than a predetermined level, causing the cellular telephone transceiver means to start originating a call, other than a call used by the cellular telephone set to perform sub-communication with the accessory, for voice communication with a remote cellular telephone set, as recited in Claim 10. Therefore Tryding fails to overcome the deficiencies of Tokora described above.

Tokoro, Tsai and Tryding, taken alone or in any proper combination, fail to disclose or suggest this feature. Therefore, for at least the reasons presented above, Claims 10-20 are believed patentably distinct over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection to Claims 10-20 Under 35 U.S.C. §103(a) over Tokoro, Tsai and Tryding and allowance thereof.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-20 believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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